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10 **UNITED STATES DISTRICT COURT**
11
12 **DISTRICT OF NEVADA**

13 CAPITOL SPECIALTY INSURANCE
14 CORPORATION, a Wisconsin corporation,
15 as assignee of UNITED CONSTRUCTION
16 COMPANY,

17 Plaintiff,

18 v.

19 STEADFAST INSURANCE COMPANY, a
20 Delaware corporation; RHP MECHANICAL
21 SYSTEMS, a Nevada corporation; and AXIS
22 SURPLUS INSURANCE COMPANY, an
23 Illinois corporation,

24 Defendants.

1 Case No.: 2:20-cv-1382-JCM-VCF

2 **STIPULATION AND [PROPOSED]
3 ORDER REGARDING RAMIE
4 MORALES SUBPOENAS AND TO
5 VACATE NOVEMBER 30, 2022
6 HEARING (ECF No. 134) ON
7 STEADFAST'S MOTION FOR
8 PROTECTIVE ORDER (ECF No. 109)**

21 PLAINTIFF Capitol Specialty Insurance Corporation ("CapSpecialty") and Defendant
22 STEADFAST INSURANCE COMPANY ("Steadfast"), by and through their respective attorneys
23 of record, hereby STIPULATE and agree as follows:

24 WHEREAS Steadfast filed a Motion for Protective Order ("Motion") on July 26, 2022
25 (ECF No. 109) seeking to bar CapSpecialty from enforcing subpoenas served on Attorney Ramiro
26 Morales ("Morales Subpoenas")

27 WHEREAS, the Motion is currently scheduled to be heard on November 30, 2022 [ECF No.
28 134];

1 WHEREAS Steadfast and CapSpecialty previously agreed that the testimony of Chris Ford
 2 (via deposition or at trial) is binding upon Steadfast;

3 WHEREAS CapSpecialty and Steadfast (collectively "Parties"), having met and conferred,
 4 hereby agree as follows:

5 1. CapSpecialty will withdraw the Morales Subpoenas and Steadfast will withdraw
 6 the Motion;

7 2. The Parties agree to not elicit testimony from Ramiro Morales at trial. This
 8 prohibition includes the use of any affidavits or declarations by Attorney Morales as well as live
 9 and recorded testimony; and

10 3. Steadfast agrees that Chris Ford is Steadfast's designated corporate witness under
 11 Fed. R. Civ. P. 30(b)(6) and Mr. Ford's testimony, including his June 2, 2022 deposition
 12 testimony, is binding upon Steadfast.

13 IT IS SO STIPULATED.

14 Dated: November 22, 2022

15 PAYNE & FEARS LLP

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17 By: /s/ Sarah J. Odia
 18 Sarah J. Odia, Esq.
 19 Scott S. Thomas, Esq.
 20 6385 S. Rainbow Blvd, Suite 220
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24 Attorneys for Plaintiff CAPITOL SPECIALTY
 25 INSURANCE CORPORATION

16 Dated: November 22, 2022

17 MORALES FIERRO & REEVES

18

19 By: /s/ William C. Reeves
 20 William C. Reeves, Esq.
 21 600 Tonopah Drive, Suite 300
 22 Las Vegas, NV 89106

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24 Attorneys for Defendant STEADFAST
 25 INSURANCE COMPANY

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27 ORDER

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29 The Court having considered the stipulation of the parties and good cause appearing,
 30 orders as follows:

31 1. The Morales Subpoenas and Motion are withdrawn;
 32 2. The Parties may not elicit testimony from Ramiro Morales at trial. This prohibition
 33 includes the use of any affidavits or declarations by Attorney Morales as well as live and recorded

1 testimony;

2 3. The Court hereby vacates the November 30, 2022 hearing on the Motion; and

3 4. The testimony of Chris Ford, including his June 2, 2022 deposition testimony, is
4 binding upon Steadfast.

5 IT IS SO ORDERED.

IT IS HEREBY ORDERED that the motion for protective
order (ECF No. 109), is DENIED as moot.

6 11-23-2022
7 DATED: _____

8 4872-1302-7902.2
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11 UNITED STATES MAGISTRATE JUDGE

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